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In view of the herein contained amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action. Such action is respectfully requested and is now believed to be appropriate and proper.

Additionally, Applicant will make of record a telephone interview conducted between Applicant's undersigned representative and Examiner Baugh on March 18, 2003 during which the outstanding rejections were discussed.

In the outstanding Official Action, the Examiner noted Applicant's traverse of the previously issued Restriction Requirement. The Examiner considered Applicant's traverse and found the same to be not persuasive. Accordingly, the Examiner deemed the Election Requirement to still be proper and made the same final. Applicant notes the Examiner's consideration of the traverse but submits that the Requirement is incorrect at least for the reasons set forth in the above-mentioned Election with Traverse filed in the present application on November 19, 2002. Thus, Applicant requests withdrawal of the Election Requirement.

In the outstanding Official Action, the Examiner noted several informalities in the specification and required correction of the same. By the present response, Applicant has corrected the noted informalities.

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The Examiner objected to claim 17 because of a noted informality. Because claim 17 has been canceled by the present Response, it is respectfully submitted that the objection thereto has been rendered moot.

The Examiner further objected to the drawings as failing to comply with 37 C.F.R. § 1.84(d)(5) because a number of reference signs utilized in the drawings were not mentioned in the description.

In response to the Examiner's objection, Applicant has prepared, and is filing concurrently herewith, a Request for Approval of Drawing Amendment to correct a reference character in Fig. 2. Additionally, Applicant has amended the specification at pages 1, 10, 11, 14, 15, 16, 19, 20, 21 and 25 so as to provide explicit support for each of the reference characters in the drawings.

Applicant respectfully thanks the Examiner for bringing each of these informalities to Applicant's attention so that they could be corrected. Applicant further thanks the Examiner for the detailed review of the application, as evidenced by the various items raised in the Examiner's Official Action.

Applicant further thanks the Examiner for giving him the opportunity to eliminate these minor informalities.

Moreover, Applicant notes with appreciation the Examiner's acknowledgment of the claim for foreign priority and for the indication that the certified copy of the priority

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document has been received. Applicant further notes with appreciation the Examiner's consideration of the various documents cited in the Information Disclosure Statements filed in the present application as evidenced by the return of the signed and initialed copies of the PTO-1449 Forms attached to such Information Disclosure Statements.

Applicant's invention is directed to an image transmission apparatus. In particular, the image transmission apparatus is configured to transmit image data to an image receiving apparatus which has an IP address that is assigned by an external apparatus. Further the IP address assigned by the external apparatus is variable. The image transmitting apparatus according to the present invention is operable in accordance with first and second modes. In accordance with the first mode, according to the present invention, the image data is directly transmitted to the image receiving apparatus by use of the IP address when, e.g., such transmission can be carried out without access to the internet. On the other hand, in accordance with a second mode of operation of the image transmitting apparatus of the present invention, the image data is indirectly transmitted to the image receiving apparatus via a mail server when such transmission requires access to the internet. By the terms "directly" and "indirectly", Applicant merely means requiring access to the mail server or not requiring access to the mail server.

Applicant's invention, as recited in claim 27, relates to an image transmitting apparatus that transmits image data to an image receiving apparatus to which a changeable

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IP address is assigned by an external apparatus. The image transmitting apparatus transmits the image data to an image receiving apparatus indirectly by a mail server. The image transmitting apparatus includes a memory that stores a table including a plurality of fixed addresses, each corresponding to one of a plurality of receiving apparatuses, the fixed address being associated with destination data. The image transmitting apparatus further includes an inputter that inputs destination data and a searcher that searches the fixed addresses stored in the memory and that obtains a fixed address corresponding to the destination data input by the inputter. A processor is configured to obtain a current IP address of an image receiving apparatus to which the image data is transmitted by utilizing the fixed address obtained by the searcher. Finally, a transmitter is configured to either directly or indirectly transmit the image data to the image receiving apparatus. In particular, the transmitter is configured to directly transmit the image data to the image receiving apparatus by the use of the IP address obtained by the processor (based on the fixed address obtained by the searcher) and to alternatively indirectly transmit the image data to the image receiving apparatus via the mail server.

It is respectfully submitted that the combination of features recited in Applicant's claim 27 is not taught, disclosed nor rendered obvious by TOYODA et al.

TOYODA et al., which shares an inventor with the present application and which is assigned to the assignee of the present application does not disclose at least the two modes of operation recited in Applicant's claim 27.

The Examiner in the Office Action, in discussing claim 4, asserted that TOYODA et al. teaches direct transmission of image data and indirect transmission of image data making reference to col. 10, lines 48-52. It is respectfully submitted that the Examiner is incorrect in his analysis of the TOYODA et al. reference.

In particular, of these two protocols, one of them does not necessarily utilize a mail server and the other one does not necessarily not utilize a mail server.

Moreover, and even more importantly, the portion of TOYODA et al. to which the Examiner makes the reference, does not refer to different modes of transmission by a single apparatus but different types of environments to which the apparatus described in TOYODA et al. is applicable. Accordingly, it is respectfully submitted that the present invention is clearly patentable over TOYODA et al.

Moreover, at Col. 10, lines 53-57, TOYODA et al. explicitly sets forth the embodiments of the invention described therein communicate both through the LAN 14 and through the internet 12. Accordingly, the disclosure of TOYODA et al. is clearly not applicable to the claims of the present application which recite transmission either directly or indirectly. In this regard, the seventh embodiment of the TOYODA et al. invention, as

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illustrated in Fig. 19, relates to the use of the facsimile type electronic mail apparatus functioning as a relay station. Accordingly, it would also not teach at least the selective, direct and indirect transmission recited in Applicant's claims. Accordingly, for each of these reasons and certainly for all of these reasons it is respectfully submitted that TOYODA et al. contains an inadequate and insufficient disclosure to anticipate or render unpatentable to the claims of the present application.

As noted above, Applicant wishes to make of record a telephone interview conducted regarding the present application with Examiner Baugh on March 18, 2003. During the above-noted interview, Applicant has pointed out the shortcomings of the TOYODA et al. reference with respect to the features of the present invention. The present Response makes of record the arguments set forth during the above-noted interview.

By the present Response, Applicant has incorporated the substance of the recitations of claims 2, 3 and 4 into claim 1 and have canceled claims 2-26. Applicant has further submitted claims 27-40 for consideration which define features of the present invention in different terminology.

It is respectfully submitted that the features recited in Applicant's claims are clearly patentable over the TOYODA et al. reference applied by the Examiner even when taken in combination with MORI as applied by the Examiner. Accordingly, Applicant respectfully

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requests reconsideration and withdrawal of the outstanding objections and rejections and an indication of the allowability of all of the claims in the present application.

#### SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the drawings, as well as the specification, in order to eliminate the Examiner's noted informalities. Applicant has further canceled a number of claims and submitted new claims for consideration which clearly define the features of Applicant's invention.


Applicant has discussed the disclosure of the features of the present invention and has shown the shortcomings of the references with respect thereto. Applicant has further discussed the disclosure of the reference relied upon by the Examiner and has pointed out the shortcomings thereof with respect to the features of the present invention. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all of the claims in the present application and respectfully requests an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Kiyoshi TOYODA

  
Bruce H. Bernstein  
Reg. No. 29,027

March 13, 2003  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191



**MARKED-UP COPY OF THE SPECIFICATION**

Please amend the paragraph on page 1, beginning line 11 and ending line 22, as follows:

---In a [TPC/IP] TCP/IP network, there is a necessity to assign an IP address per client in order to allow control for transmitting and receiving data packet between clients. An means for performing this IP address assignment automatically, there is a DHCP (Dynamic Host Configuration Protocol). A server for a DHCP assigns an IP address in response to a request from the client. Generally, the client transmits a request message when the client's apparatus is turned on, and the server that has received this request assigns a vacant IP address to the client. For this reason, the IP address for the client differs every time when the client's apparatus is started.---

Please amend the paragraph on page 1, beginning line 23 and ending line 26, as follows:

---While[,] there is conventionally proposed an Internet facsimile apparatus (hereinafter referred to as [IAX]) IFAX) as disclosed in Unexamined Japanese Patent Publication No. HEI 8-242326 and the corresponding USP 5,881,233.---

Please amend the paragraph beginning page 10, line 19 and ending page 11, line 10, as follows:

---FIG. 4 is a perspective view showing an outline of the Internet facsimile apparatus according to the first embodiment of the present invention. The following will explain a case in which the IFAX 1 is seen from the direction shown by an arrow C of FIG. 4. In the IFAX 1, the scanner 15 and the printer 16 are integrated into a housing 40 (comprising upper and lower body sections 21 and 44 respectively) together with other structural elements, that is, CPU 11, ROM 12, RAM 13, FAX & voice processing section 14, LAN interface 17, and panel control section 18. The panel control section 18 is provided at the left surface side, which is an upper surface portion of the IFAX 1. A document plate 41 for supplying an original to the scanner 15 is provided at the right side of the panel control section 18. Output trays 42 and 43 for receiving printed materials discharged from the printer 16 are vertically provided at the left side surface portion of the IFAX 1. A paper feeder section 24 for feeding printing paper to the printer 16 is provided at a bottom surface portion of the IFAX 1.---

Please amend the paragraph on beginning page 14, line 20 and ending page 15, line 13, as follows:

---A MAC address notification analyzing section 515 analyzes e-mail (hereinafter referred to as MAC address notification) for providing notification of the MAC address of PC 4 and the mail address, and registers the result of analysis in the MAC address table. FIG. 6 is a block diagram showing the MAC address notification analyzing section 515 of the IFAX 1 according to the first embodiment. The MAC address notification analyzing

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section 515 analyzes includes a mail analyzing section 601 that analyzes whether e-mail received by the mail receiving section 511 is a general e-mail or MAC address notification. If this e-mail is the MAC address notification, a MAC address extracting section 602 and a mail address extracting section 603 extract the MAC address and the mail address of PC 4 from this MAC address notification, respectively. A register processing section 604 pairs the extracted MAC address with the mail address, and registers it in a MAC address table 605. In this embodiment, since all terminals in the LAN 2 including the PC 4 have the same domain name, that is, default name, the user name is registered in the MAC address table 605 in place of the mail address.---

Please amend the paragraph beginning page 15, line 14 and ending page 16, line 2, as follows:

---FIG. 7 is a block diagram showing a MAC address notifying function of the PC 4 according to the first embodiment. The scanned image-receiving application, which is operated by the PC 4, performs an initial setting operation for setting [a] its own [mail its own] mail address. A user's mail address registering section 701 registers the its own mail address input by a keyboard 702 in a user's mail address storing area 704 of a RAM 703 and can display the same on a display 720. Also, a MAC address obtaining section 705 obtains [an] a MAC address of a LAN interface 706, and stores it to [an] a MAC address storing area 707 of the RAM 703. A MAC address notification generating section 708 generates a MAC

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address notification including the its own mail address and MAC address. An SMTP transmission section 709 transmits this MAC address notification to the FAX 1 as a network scanner via the LAN interface 706.---

Please amend the paragraph on page 19, beginning line 11 and ending line 26, as follows:

---While, if the user name is not registered in the MAC address table in ST809, the default domain adding section 503 adds a default domain name to the input name in ST815, that is, the user name, and generates a destination mail address. The default domain adding section 503 sends the generated destination mail address to the e-mail generating section 507. Thereafter, the scanner 15 scans the original in ST816. Next, the image compressing section 504 compresses the original image in ST817. After that, e-mail to which the original image is appended is generated in ST818. Next, the SMTP transmitting section 507 transmits the generated e-mail to the IFAX 8 via the mail server 3 of the transmitting side in ST819. At this time, the SMTP transmitting section 507 obtains information of the mail server 3 of the transmitting side from the mail server information area 508 of RAM 13, and puts it to use.---

Please amend the paragraph beginning page 20, line 24 and ending page 21, line 13, as follows:

---FIG. 11 is a flowchart showing processing, which is performed when the IFAX 1 according to the first embodiment receives the MAC address notification. In ST1101, the

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mail receiving section 511 shown in FIG. 6 receives e-mail. In ST1102, a mail analyzing section 601 of the MAC address notification analyzing section 515 checks whether or not e-mail is the MAC address notification. Here, if e-mail is the MAC address notification, the MAC address extracting section 602 and the mail address extracting section 603 extract the MAC address of PC 4 and the mail address from the MAC address notification, respectively in ST1103. Next, the register processing section 604 pairs the extracted MAC address with the mail address, and registers it in the MAC address table 605 at step ST1104. While, if e-mail is the general mail in ST1102, general mail reception processing is executed in [ST1005] ST1105.---

Please amend the paragraph on page 25, beginning line 19 and ending line 24, as follows:

---The destination mail address 103 is input in ST1401, thereafter the one-touch registering section 1201 causes the display controlling section 1203 to display the message, "IFAX or SCAN", on the display 1206 at step ST1406. The operator selects either one of IFAX and network scanner (SCAN).---

**MARKED-UP COPY OF CLAIM 1**

1. (Amended) An image transmitting apparatus for transmitting image data to an image receiving apparatus to which [an] a changeable IP address is assigned [from an outer section] by an external apparatus according to first and second modes, the image transmitting apparatus comprising:

a memory [for storing a physical] that stores a table including a fixed address of the image receiving apparatus;

a processor [adapted] configured to obtain the current IP address of the image receiving apparatus by use of the [physical] fixed address stored in the memory; [and]

a transmitter for directly transmitting image data to the image receiving apparatus by use of the IP address,

wherein the memory stores the fixed address in association with a destination mail address;

an inputter for inputting the destination mail address; and

a searcher for searching the fixed address corresponding to the destination mail address input by the inputter, wherein the processor obtains the IP address of the image receiving apparatus by use of the fixed address searched by the searcher.

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wherein the transmitter, in the first mode, directly transmits image data to the image receiving apparatus by use of the IP address, and, in the second mode, indirectly transmits image data to the image receiving apparatus via a mail server.